

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: BRC Wellington, LLC_ _
Permit #: **C007/045**_ _

CO # 21206
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The permittee has failed to abate Cessation Order #21201.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The permitte has fail to abate CO #21206. The permittee was given 90 days by the inspector and 90 days by the Director to abate the violation.

☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

☐ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: _____

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

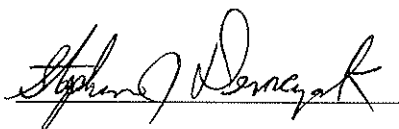
Explanation: No good faith points should be given. It has been beyond the 180 days given to the permittee with no action by the permittee to abate.

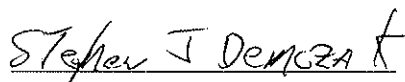
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: There is a loader that could have been used. But, rental of equipment is most likely would be needed.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: The initial CO required an amendment but not required before working on the ground.





August 21, 2018

**Hindrance to Enforcement
Inspector's Statement**

NOV/CO # _____
Violation # _____ of _____

Authorized Representative

Signature

Date

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HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: BRC Wellington, LLC__
Permit #:C0070045__

NOV # 21207
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: I could not conduct an complete inspection for the third quarter of 2018, by reviewing the paper work such as sediment pond inspections. I could not conduct a complete inspection required for the second quarter of 2018. It is an requirement that the inspector can review paper work.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The was no one present to conduct a complete inspection. Several partial inspection were made outside the fence line. Resident agent contact information was not current in the MRP.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: The R645 Coal Rules require that paper work information is available upon inspection. No complete inspection has been made since the first quarter of 2018.

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: No

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: No good faith points should be given since the permittee did not submit contact information to the Division to conduct a complete inspection by the abatement deadline.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: It is easy to submit this information to update the MRP.

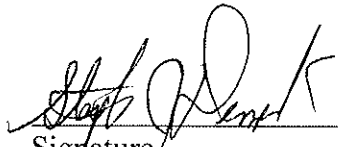
3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: No activity was required. Just the submittal of updated resident agent information was needed.

**Hindrance to Enforcement
Inspector's Statement**

NOV/CO # _____
Violation # _____ of _____

Stephen J Demczak
Authorized Representative


Signature

August 21, 2018
Date

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EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: BRC Wellington, LLC _
Permit #: C007/0045 _

NOV # 21208
Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input checked="" type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: The permittee fail to maintain culverts and diversions. There is a plug culvert, and several obstruction to culvert inlets and outlets. Diversions have sediment within and are not meeting the design requirements.

2. Has the even occurred? No

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: It is unlikely that there will be an outside impact to the environment. There are other diversion that could catch water from the plug culvert and obstructed culverts. Water most likely would pond within the permit area.

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: _____

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: I have not seen anyone from BRC Wellington since March 2018 on site. The gate have been lock. No one appears to be conducting an internal/company inspection of the site.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of a specific permit condition?

Explanation: _____

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Event Violation Inspector's Statement

NOV/CO # _____
Violation # _____ of _____


Explanation: The violation was not abated by the deadline. No good faith points should be given.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: A shovel and the removal of obstructions is needed.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Stephen J Demczak 
Authorized Representative Signature

August 21, 2018
Date

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HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: BRC Wellington ,LLC _
Permit #: C0070045_ _

NOV# 21209
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: I issued a FTACO and sent the Cessation Order to six (6) difference addresses. Hoping someone would receive the violation. The address in the MRP for resident agent came back to the Division. In the pass few weeks, the Division tried to send correspondence to BRC and it was return.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: X

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The permittee did not notify the Division of address change or did not submit new resident agent or did not bother to get a new resident agent. Current contact information is required in the R645 coal Rules.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: _____

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: NO

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: There was a four week abatement time. It is easy to submit an amendment to update the MRP.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The main office could submit this information. Very easy to do.

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: NO

**Hindrance to Enforcement
Inspector's Statement**

NOV/CO # _____
Violation # _____ of _____

Stephen J. Deniak
Authorized Representative

[Signature]
Signature

August 21, 2018
Date

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